



W.P.(MD)No.34592 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.34592 of 2025
and
W.M.P.(MD)No.27362 of 2025

Ravindran

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Theni,
Theni District.

2.Meenambigai

3.Sudha Lakshmi

... Respondents

[R2 and R3 are impleaded vide order dated 29.01.2026,
made in W.M.P.(MD)No.29250 of 2025]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the impugned refusal check slip under RFL/Theni/29/2025 passed by the first respondent dated 21.11.2025 and to quash the same as illegal and consequently direct the first respondent to entertain the sale deed dated 20.11.2025 within the time frame.



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For Petitioner : Mr.S.Srikanth
For R1 : Mr.F.Deepak
Special Government Pleader
For R2 and R3 : Mr.V.P.Rajan

ORDER

This Writ Petition is filed challenging the impugned refusal check slip dated 21.11.2025.

2. When the petitioner presented the document, namely a sale deed, the same was refused registration on the ground that a suit for partition is pending between the petitioner and the respondents 2 and 3, and therefore, the document cannot be registered.

3. The learned counsel for the petitioner would submit that there is no interim order passed in the said partition suit restraining the petitioner from dealing with the property. It is further submitted that the respondents 2 and 3 do not have any share in the property.



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4. Per contra, the learned counsel appearing for the respondents 2 and 3 would submit that the father of the petitioner as well as the respondents 2 and 3 had contracted two marriages, and the respondents 2 and 3 are the children born through the second wife. Therefore, they are also entitled to a share in the property. It is further submitted that, without effecting a proper partition, the other legal heirs have entered into a partition deed among themselves and have dealt with the property. In this regard, a suit for partition in O.S.No.241 of 2022 is pending on the file of the learned Subordinate Judge, Theni.

5. I have considered the rival submissions made on either side and perused the materials available on record.

6. If the respondents 2 and 3 claim that they are also legal heirs entitled to a share in the property, any partition or alienation effected by the other legal heirs would not bind them. Even if any document is executed *pendente lite* by one of the parties claiming rights over the property, the same would be subject to the outcome of the pending partition suit and would not, by itself, prejudice the rights of the respondents 2 and 3.



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7. If the respondents 2 and 3 seek to prevent the petitioner or other parties from dealing with the property, it is always open to them to approach the Civil Court and obtain appropriate interim orders. In the absence of any such restraint order, the first respondent / Sub Registrar cannot refuse registration of a document merely on the ground of pendency of a civil suit. The rights of the parties will ultimately be governed by the result of the partition suit.

8. In view of the above, this Writ Petition is allowed on the following terms:

(i) The impugned refusal check slip dated 21.11.2025 is set aside.

(ii) The petitioner is permitted to re-present the document within a period of two weeks from the date of receipt of a web copy of this order, without waiting for the certified copy.

(iii) Upon such re-presentation, if there is no other legal impediment, the document shall be registered by the first respondent / Sub Registrar. However, it is made clear that registration of the document is only a form of public notice of the transaction and shall not, in any manner, affect the title or



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rights of the parties, which shall be decided in the pending civil

WEB COPY suit.

(iv) The learned Subordinate Judge, Theni, is requested to expedite the trial in O.S.No.241 of 2022 and dispose of the same as expeditiously as possible.

No costs. Consequently, the connected Miscellaneous Petition is closed.

07.04.2026

Neutral Citation : No
smn2

Copy to:

The Subordinate Judge,
Theni.

To:-

The Sub Registrar,
Office of the Sub Registrar,
Theni,
Theni District.



WEB COPY



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D.BHARATHA CHAKRAVARTHY, J.

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